

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MORINO CHES**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 19A-UI-08305-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/23/19**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report

**STATEMENT OF THE CASE:**

Morino Ches (claimant) appealed a representative's October 21, 2019, decision (reference 02) that concluded he had failed to respond to a notice to report and was, therefore, not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 13, 2019. The claimant participated personally.

**ISSUE:**

The issue is whether the claimant failed to report as directed.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The Agency mailed a notice to register for work to the claimant. The notice stated that if the claimant had registered for work, the claimant could discard the notice. The claimant had registered for work and so the claimant filed the notice with his other important documents.

On October 24, 2019, the claimant received a disqualification decision dated October 21, 2019, reference 02. The decision disqualified the claimant because he did not register for work. The Agency issued the disqualification decision without scheduling a fact-finding interview. The claimant retrieved the notice from his file. He followed the steps to register for work that were listed on the document. The document stated he could only register for work online. The computer gave him a message partway through the process stating "This account is already registered for work". He sent a message to the Agency asking if it needed any other information from him. The Agency never responded. On October 24, 2019, the claimant filed an appeal to the October 21, 2019, reference 02, decision.

The claimant received another notice from the department indicating he was to register for work by November 18, 2019. The claimant again went through the process of registering. In November 2019, he uploaded a resume. He is able and available for work. The Agency's system has not documented any of the claimant's registrations for work.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed.

Iowa Admin. Code r. 871-24.2(1)e provides:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

(2) The department retains the ultimate authority to choose the method of reporting and payment.

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

The claimant was directed to register for work. He followed the Agency's directions three times and the Agency's computer system did not record his responses. The claimant asked the Agency for help but it did not give assistance. The Agency did not schedule the matter for a fact-finding interview to discover the problem. The claimant was unaware that he was not registered for work. Benefits are allowed from October 13, 2019, to November 9, 2019, provided the claimant is otherwise eligible.

For the claimant to be eligible after November 9, 2019, the claimant must report to the Des Moines, Iowa, Work Center, 200 Army Post Road, Des Moines, Iowa, to register for work in person. He must do so within ten days of the date of this decision.

## **DECISION:**

The representative's October 21, 2019, decision (reference 02) is reversed. The claimant failed to report as directed and has established good cause. Benefits are allowed effective October 13, 2019, through November 9, 2019, provided the claimant is otherwise eligible.

For the claimant to be eligible after November 9, 2019, the claimant must report to the Des Moines, Iowa, Work Center, 200 Army Post Road, Des Moines, Iowa, to register for work in person. He must do so within ten days of the date of this decision.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/scn